

10-06-05

IPW
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Appln. No. 10/070,512
Appeal Brief dated October 5, 2005

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Attorney Docket No. 02137/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant : Y. ISHITA et al.
Serial No. : 10/070,512
Filed : June 27, 2002
For : INTERACTIVE DEMONSTRATION
METHOD FOR A MEASURING
INSTRUMENT, AND SYSTEM USING
A NETWORK
Art Unit : 2857
Examiner : Mary Baran
Confirm. No.: 7163
Customer No.: 01933

APPEAL BRIEF

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Commissioner for Patents
P.O. Box 1450
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S I R :

On August 3, 2005, Appellants, through their attorney, appealed from the final rejection of claims 1-9 set forth in an Office Action dated May 3, 2005 for the above-referenced application. The Notice of Appeal was received by the Patent Office with the appropriate fee on August 5, 2005 and therefore this Appeal Brief is due October 5, 2005. This Appeal Brief is being timely filed within two months from the date of receipt by the U.S. Patent and Trademark Office of the Notice of Appeal.

Pursuant to 37 CFR 1.192, this Appeal Brief is submitted in triplicate with the appropriate fee. The Appeal Brief supports the patentability of claims 1-9. For the reasons set forth below, it is respectfully submitted that the rejections set forth in the May 3, 2005 Office Action should be reversed.

A. REAL PARTY IN INTEREST

The real party in interest of the above-identified application is Anritsu Corporation of Tokyo, Japan by virtue of an assignment of an undivided 100% interest in the application by the inventors-appellants.

B. RELATED APPEALS AND INTERFERENCES

At this time, there are no related appeals or interferences.

C. STATUS OF CLAIMS

Claims 1-9 are pending in this application and all have been finally rejected by Examiner Mary Baran of Group Art Unit 2857. Appellants are therefore appealing the final rejection of these claims.

Claim 1 is an independent method claim. Claim 2 is an independent apparatus claim upon which claims 4, 6, 8 and 9

depend either directly or indirectly. Claim 3 is an independent apparatus claim upon which claims 5 and 7 depend either directly or indirectly. The appealed claims are set forth in the Claims Appendix attached hereto.

D. STATUS OF AMENDMENTS FILED SUBSEQUENT TO FINAL REJECTION

No Amendment Under 37 CFR 1.116 was filed after issuance of the May 3, 2005 Final Office Action.

E. SUMMARY OF THE INVENTION

In the following Summary of the Invention, the references to the specification correspond to the specification as amended on June 2, 2004.

The present claimed invention as defined by independent claim 1 is directed to an interactive demonstration method for a measuring instrument using a network, including the steps of identifying a user obtaining access to a measuring instrument information providing server (2) from a user terminal (3) of the user on the basis of a customer database (12) incorporated in the measuring instrument information providing server and specifying a predetermined measuring instrument (6a, 6b, 6c) with respect to which the user makes a request for operation in response to a

request for providing demonstration information on a predetermined measuring instrument from a user terminal and a request for making operation, delivering to the user terminal (3) via a network (1) an operational program that contains demonstration information for measuring properties of a desired object (8) to be measured such as a desired electronic device including at least one of electronic equipment and electronic parts thereby switch-connecting the desired object to be measured to the predetermined measuring instrument, causing the user terminal (3) to deliver to a predetermined measuring instrument terminal via the network (1) an operational command that contains measurement items and measuring conditions of the user's interest which are operated and inputted at the user terminal (3), in addition to the demonstration information in order to measure the properties of the desired object (8) to be measured, thereby switch-connecting the desired object to be measured to the predetermined measuring instrument (6a, 6b, 6c) based on the delivered operational program, causing the measuring instrument terminal to control the predetermined measuring instrument connected to the measuring instrument terminal (5a, 5b, 5c) in response to the operational command that contains demonstration information including measurement items and measuring conditions

of the user's interest which is output from the user terminal in order to measure the properties of the desired object (8) to be measured, thereby switch-connecting the desired object to be measured to the predetermined measuring instrument (6a, 6b, 6c), and to deliver a measurement result obtained by the measuring instrument to the user terminal (3) via the network (1), and causing the user terminal (3) to output the measurement result delivered from the measuring instrument terminal via the network. See page 33, line 2 - page 40, line 3 of the present application.

The present claimed invention as defined by independent claim 2 is directed to an interactive demonstration system for a measuring instrument using a network, including a measuring instrument terminal (5a, 5b, 5c), a measuring instrument information providing server (2), and a user terminal (3), each of which is connected to a network (1), wherein the measuring instrument information providing server (2) includes: storage means (13) for storing an operational program (15) that contains demonstration information including measurement items and measuring conditions of the user's interest for enabling an operational screen (14) representative of an operating portion (24) for operating the predetermined measuring instrument (6a, 6b, 6c) connected to the measuring instrument terminal (5a, 5b,

5c), and also measuring properties of a desired object (8) to be measured, such as a desired electronic device including at least one of electronic equipment and electronic parts, thereby switch-connecting the desired object (8) to be measured to the predetermined measuring instrument (6a, 6b, 6c), a customer database (12) which stores customer information on users which have gotten access to the measuring instrument information providing server (2), means for identifying (16) a user obtaining access to the measuring instrument information providing server from the user terminal on the basis of the customer database, and specifying (17) a predetermined measuring instrument with respect to which the user makes a request for operation, and program delivery means (18) for reading out from the storage means the operational program that contains the demonstration information for measuring the properties of the desired object to be measured, thereby switch-connecting the desired object to be measured to the predetermined measuring instrument in response to a request for providing the demonstration information including the measurement items and the measuring conditions of the user's interest on the predetermined measuring instrument from the user terminal and a request for making operation, and then, delivering the program to the user terminal via the network, the user

terminal (3) including a terminal screen (14) and a terminal operating portion (24), operation execution request delivery means for delivering the request for providing demonstration information including measurement items and measuring conditions of the user's interest on the predetermined measuring instrument (6a, 6b, 6c) and a request for making operation to the measuring instrument information providing server (2) via the network (1), program execution means for executing the operational program that contains the demonstration information including the measurement items and the measuring conditions of the user's interest for measuring the properties of the desired object (8) to be measured, thereby switch-connecting the desired object (8) to be measured to the predetermined measuring instrument (6a, 6b, 6c), the information being delivered from the measuring instrument information providing server (2), thereby making it possible to visualize an operation face of the measuring instrument (6a, 6b, 6c) on the terminal screen (14) and to operate the operation face at the terminal operating portion (24), means for selecting the desired object to be measured from one or more objects connected to the predetermined measurement instrument, means for delivering an operational command operated and inputted at the terminal operating portion (24) to the

measuring instrument terminal (5) via the network (1), thereby causing desired measurement by the predetermined measuring instrument (6a, 6b, 6c) connected to the measuring instrument terminal (5a, 5b, 5c), and means for outputting a measurement result received from the measuring instrument terminal (5a, 5b, 5c) via the network (1), and said measuring instrument terminal (5a, 5b, 5c) has means for controlling the predetermined measuring instrument (6a, 6b, 6c) connected to the measuring instrument terminal (5a, 5b, 5c), and measuring the properties of the desired object (8) to be measured, thereby switch-connecting the desired object (8) to be measured to the predetermined measuring instrument (6a, 6b, 6c) in response to the operational command from the user terminal (3) and delivering the measurement result obtained by the measuring instrument (6a, 6b, 6c) to the user terminal (3) via the network (1). See page 24, line 26 - page 32, line 21 of the present application.

Claim 4, which is dependent on claim 2, further defines the measuring instrument information providing server as having plural types of information on measuring instruments stored and when an operation execution request inputted from the user terminal (3) while any measuring instrument monitoring information on the measuring instrument can be selected specifies

a specific measuring instrument (6a, 6b, 6c) by providing access from the user terminal (3), the measuring instrument providing server (2) delivers to the user terminal (3) an operation screen (14) and an operational program (15) that correspond to the measuring instrument, and instructs the user terminal (3) to be connected to the measuring instrument terminal (5a, 5b, 5c) to which the measuring instrument (6a, 6b, 6c) has been connected.

Claim 6, which is dependent on claim 4, further defines an interactive demonstration system for a measuring instrument using a network (1), which includes a customer database (12) regarding a user who gains access to the measurement instrument information providing server (2), and when an access from a terminal of the user (3) occurs, the measuring instrument information server (2) identifies the user from the database and specifies a measuring instrument specified by an operation execution request from the terminal of the user.

Claim 8, which is dependent on claim 2, further defines an interactive demonstration system for a measuring instrument using a network, which includes a device or parts manufacturer server (27), and wherein the device or parts manufacturer server specifies a measuring instrument (6a, 6b, 6c) connected to the measuring instrument terminal (5a, 5b, 5c) for the measuring

instrument information providing server (2) specified by the device or parts manufacturer server (27) according to a test request for a device for sale by oneself input from the user terminal (3), thereby instructing the user terminal to be connected to the measuring instrument information providing server (27).

Claim 9, which is dependent on claim 8, further defines an interactive demonstration system for a measuring instrument using a network, which includes a device or parts manufacturer server (27) which delivers charge payment information on the measuring instruments (6a, 6b, 6c) to the measuring instrument information providing server (2).

The present invention as further defined by independent Claim 3 is directed to an interactive demonstration system for a measuring instrument using a network which includes a measuring instrument providing server (2), a user terminal (3), and a measuring instrument terminal (5a, 5b, 5c), each of which is connected to a network (1), wherein the measuring instrument information providing server (2) includes storage means (13) for storing an operational program that contains demonstration information including measurement items and measuring conditions of the user's interest, for enabling an operational screen (14)

representative of an operating portion (24) for operating a predetermined measuring instrument (6a, 6b, 6c) connected to the measuring instrument terminal (5a, 5b, 5c) and a data display area (23), and also measuring properties of a desired object (8) to be measured, such as a desired electronic device including at least one of electronic equipment and electronic parts, thereby switch-connecting the desired object to be measured to the predetermined measuring instrument; a customer database (12) which stores customer information on users which have gotten access to the measuring instrument information providing server, means for identifying a user obtaining access to the measuring instrument information providing server (16) from the user terminal (3) on the basis of the customer database, and specifying a predetermined measuring instrument with respect to which the user makes a request for operation; and program delivery means (18, 10) for reading out from the storage means the operational program for the predetermined measuring instrument (6a, 6b, 6c) in response to a request for providing the demonstration information including the measurement items and the measuring conditions of the user's interest, on the predetermined measuring instrument from the user terminal (3), and delivering the program to the user terminal via the network.

The user terminal includes a terminal screen (14) and a terminal operating portion (24), operation execution request delivery means for delivering via the network (1) the request for providing the demonstration information including the measurement items and measuring conditions of the user's interest to the predetermined measuring instrument (6a, 6b, 6c) to the measuring instrument information providing server (2) and a request for making operation, program execution means for executing the operational program that contains the demonstration information including the measurement items and the measuring conditions of the user's interest, for measuring the properties of the desired object (8) to be measured thereby switch-connecting the desired object to be measured to the predetermined measuring instrument (6a, 6b, 6c), thereby making it possible to visualize the measuring instrument (6a, 6b, 6c) on the terminal screen (14) and to operate the instrument at the terminal operation portion (24). The user terminal also includes means for selecting the desired object to be measured from one or more objects to be measured, which are connected to the predetermined measurement instrument, means for delivering the operational command operated and input at the terminal operating portion to the measuring instrument terminal (5a, 5b, 5c) via the network (1), thereby causing

desired measurement by the predetermined measuring instrument connected to the measuring instrument terminal, and means for outputting a measurement result received from the measuring instrument terminal (5a, 5b, 5c) to a data display area (23) of the measuring instrument information providing server (2) via the network (1). The measuring instrument terminal has means for controlling the predetermined measuring instrument connected to the measuring instrument terminal in response to the operational command from the user terminal (3), measuring the properties of the desired object (8) to be measured, thereby switch-connecting the desired object to be measured to the predetermined measuring instrument (6a, 6b, 6c), and for delivering the measurement result obtained by the predetermined measuring instrument to the user terminal via the network (1). See page 24, line 26 - page 32, line 21 of the present application.

Claim 5, which is dependent on claim 3, further defines an interactive demonstration system for a measuring instrument using a network, wherein the measuring instrument information providing server (2) has plural types of information on measuring instruments stored and when an operation execution request input from the user terminal (3) while any measuring instrument monitoring information on the measuring instrument can be

selected specifies a specific measuring instrument by providing access from the user terminal. The measuring instrument information providing server (2) delivers to the user terminal (3) an operational screen (14) and an operational program that corresponds to the measuring instrument (6a, 6b, 6c), and instructs the user terminal to be connected to the measuring instrument terminal (5a, 5b, 5c) to which the measuring instrument has been connected.

Claim 7, which is dependent on claim 5, further defines an interactive demonstration system for a measuring instrument using a network, wherein the measuring instrument information providing server (2) includes a customer database (12) regarding a user who gains access to the measurement instrument information providing server, and when an access from a terminal of the user occurs, the measuring information server (2) identifies the user from the database, and specifies a measuring instrument (6a, 6b, 6c) specified by an operation execution request from the terminal of the user.

F. ISSUES/GROUNDS OF REJECTIONS

The issue presented for review is whether the subject matter of claims 1-5 is patentable under 35 USC 103 over the teachings

of USP 5,790,977 (Ezekiel) in view of USP 5,861,882 (Sprenger et al.).

G. GROUPING OF CLAIMS

The claims stand or fall together.

H. ARGUMENT

1. The Pending Rejection

Claims 1-5 are rejected under 35 USC 103 as being unpatentable over Ezekiel in view of Sprenger et al., and further in view of Hesselink et al.

2. Appellants' Arguments

The present claimed invention as defined by claims 1-9 is patentable over the references of record for reasons, inter alia, set forth below.

Independent claim 1 of the present application is directed to an interactive demonstration method for a measuring instrument using a network, which has the following features:

(A) when a user obtains access to a measuring instrument information providing server from the user's terminal, the user is identified on the basis of a customer database incorporated in

the measuring instrument information providing server, and then a predetermined measuring instrument with respect to which the user makes a request for operation is specified;

(B) in response to a request for providing demonstration information regarding a predetermined measuring instrument from a user terminal and a request for making operation, the measuring instrument information providing server switch-connects a desired object to be measured, which includes at least one of electronic equipment and electronic parts, to the predetermined measuring instrument, and delivers to the user terminal via a network an operational program that contains demonstration information for measuring properties of the desired object;

(C) the user terminal switch-connects the desired object including at least one of electronic equipment and electronic parts to the predetermined measuring instrument on the basis of the delivered operational program, and delivers to a predetermined measuring instrument terminal via the network an operational command that contains demonstration information which includes desired measurement items and measuring conditions which are input at the user terminal, in order to measure the properties of the desired object;

(D) the measuring instrument terminal switch-connects the desired object including at least one of electronic equipment and electronic parts to the predetermined measuring instrument, controls the predetermined measuring instrument connected to the measuring instrument terminal in response to the operational command that contains the demonstration information including measurement items and measuring conditions, which is output from the user terminal, in order to measure the properties of the desired object, and in addition delivers a measurement result obtained by the measuring instrument to the user terminal via the network; and

(E) the user terminal outputs the measurement result delivered from the measuring instrument terminal (to the measuring instrument information providing server) via the network.

To summarize, independent claim 1 recites an interactive demonstration method in which a measuring instrument terminal, a user terminal and a measuring instrument information providing server for providing information containing demonstration information regarding a measuring instrument, while being independent, are connected with each other via a network. Any of various kinds of measuring instruments specified by a user can be

easily connected to the user terminal via the measurement instrument terminal. A desired object to be measured, which is selected by the user, can be easily switch-connected to any of the various kinds of measuring instruments selected by the user.

In finally rejecting claim 1, the Examiner relies on Ezekiel in view of Hesselink et al. and Sprenger et al.

Ezekiel relates to a server incorporated in a measuring instrument. In the server, an operation program for the measuring instrument, etc. are stored, and are to be sent to a user terminal. As a result, Ezekiel does not enable a user to select any kind of measuring instrument in combination with an object to be measured, since the reference teaches only a structure in which a server is incorporated in a specific measuring instrument.

Unlike claim 1, Ezekiel does not disclose an interactive demonstration method for a measuring instrument using a network in which a measuring instrument information providing server, a measuring instrument terminal, and a user terminal are connected with a network independent of each other; any of various kinds of measuring instruments which are specified by a user can be easily connected to the user terminal via the measurement instrument terminal; and a desired object to be measured which is selected

by a user can be easily switch-connected to any of the various kinds of measuring instruments.

That is, Ezekiel is not intended to provide demonstration information regarding a measuring instrument as a measuring instrument information server. Ezekiel merely provides information such as an operational program of a measuring instrument to a user terminal. In addition, in Ezekiel, the measuring instrument information providing server and the measuring instrument (terminal) are not provided independently. Instead, they are provided in a single unit. That is, Ezekiel merely teaches a server incorporated in a measuring instrument.

Unlike the present claimed invention, Ezekiel does not teach a method in which the measuring instrument terminal is connected to the network independently of the measuring instrument information providing server. Thus, in Ezekiel, there is no teaching that any of various kinds of measuring instruments which are specified by a user are connected to a user terminal, and also that a desired object to be measured (which is selected by a user) by the selected measuring instrument is connected to the selected one of the various kinds of measuring instruments.

In addition, Ezekiel does not disclose, teach or even remotely suggest any of the above features (A) to (E) of the present invention.

In the Office Action, the Examiner states that Ezekiel at col. 2, lines 57 to 62, teaches an interactive demonstration system for a measuring instrument using a network. However, Ezekiel does not disclose such a system. Ezekiel at col. 2, lines 57 to 62, simply recites:

"Remote front panel module 12 provides for remote control of instrument 20 via display of and user interaction with a graphical user interface which represents front panel controls of instrument 20. Results vector module 13 provides for data acquisition from instrument 20 for real-time dynamic display by remote application 10 to a user. Command language module 14 provides a remote command language request/response scheme for status, control and so on."

It is clear that this description cannot be interpreted to teach an interactive demonstration system for a measuring instrument using a network as recited in the preamble of claim 1.

In the Office Action the Examiner contends that col. 2, lines 45-65 of Ezekiel teach the above feature (B) of claim 1.

Ezekiel, at col. 2, lines 45 to 65, discloses a technique related to the above feature (B) of claim 1. However, the technique is different from that of feature (B).

Specifically, Ezekiel, at col 2, lines 48 to 65, merely recites:

"Remote application 10, is for example, a Java applet application which runs within a Web browser application. Instrument 20 is, for example, a vector modulation analyzer instrument. Utilizing client/server terminology, the web browser application is the client and instrument 20 is the server.

In the preferred embodiment, remote application 10 includes a remote front panel module 12, a results vector module 13 and a command language module 14.

Remote front panel module 12 provides for remote control of instrument 20 via display of and user interaction with a graphical user interface which represents front panel controls of instrument 20. Results vector module 13 provides for data acquisition from instrument 20 for real-time dynamic display by remote application 10 to a user. Command language module 14 provides a remote command language request/response scheme for status."

The above description from Ezekiel does not disclose, teach or suggest the above feature (B) of claim 1 in which "in response to a request for providing demonstration information on a predetermined measuring instrument from a user terminal and a request for making operation, the measuring instrument information providing server switch-connects a desired object to be measured, which includes at least one of electronic equipment and electronic parts, to the predetermined measuring instrument, and delivers to the user terminal via a network an operational

program that contains demonstration information for measuring properties of the desired object".

In the Office Action, the Examiner contends that Ezekiel, at col. 3, lines 1 to 19, teach the above feature (C) of claim 1. However, in fact, the cited portion of Ezekiel does not teach the above feature (C).

Ezekiel, at col. 3, lines 1 to 19, merely recites:

"A file loader 11 is used to load files to and from instrument 20. For example, files are loaded over a port 6 using the Hyper Text Transfer Protocol (HTTP) GET/PUT commands. Alternatively, this may be done, for example, by extending the functionality of remote application 10 to perform HTTP GET/PUT commands. In the preferred embodiment of the present invention, port 6 corresponds to port 8080 on a Netscape Navigator web browser, available from Netscape Communications Corporation.

Instrument 20 is connected over the Internet to a web browser using four sockets. For example, each socket is a two-way application communication channel initiated from the client to the server using industry standard socket protocol. A server socket 21 is used as a general HTTP server for responding to GET/PUT commands. In response to GET commands, server socket loads files from storage 30 to file loader 11. In response to PUT commands, server socket puts files from file loader 11 into the internal file system (within storage 30) of instrument 29."

The above description from Ezekiel does not disclose, teach or suggest the above feature (C) of claim 1 in which "the user terminal switch-connects the desired object including at least one of electronic equipment and electronic parts to the predetermined measuring instrument on the basis of the delivered

operational program, and delivers to a predetermined measuring instrument terminal via the network an operational command that contains demonstration information which includes desired measurement items and measuring conditions which are inputted at the user terminal, in order to measure the properties of the desired object."

In the Office Action the Examiner also contends that Ezekiel, at col. 2, lines 57 to 65, teaches the above feature (D) of claim 1. However, the referenced portion of Ezekiel does not teach the above feature (D).

Ezekiel, at col. 2, lines 57 to 65, as stated above, merely recites:

"Remote front panel module 12 provides for remote control of instrument 20 via display of and user interaction with a graphical user interface which represents front panel controls of instrument 20. Results vector module 13 provides for data acquisition from instrument 20 for real-time dynamic display by remote application 10 to a user. Command language module 14 provides a remote command language request/response scheme for status, control and so on."

This description of Ezekiel does not teach the above feature (D) of claim 1 in which

"the measuring instrument terminal switch-connects the desired object including at least one of electronic equipment and electronic parts to the predetermined measuring instrument, controls the predetermined measuring instrument connected to the measuring instrument terminal in response to the operational command that contains the

demonstration information including measurement items and measuring conditions, which is output from the user terminal, in order to measure the properties of the desired object, and in addition delivers a measurement result obtained by the measuring instrument to the user terminal via the network."

In the Office Action the Examiner contends that Ezekiel, at col. 4, lines 52 to 58, teaches a technique relevant to the above feature (E) of claim 1. However, the referenced portion of Ezekiel does not teach feature (E).

More specifically, Ezekiel, at col. 4, lines 52 to 58, recites:

"FIG. 3 shows a web page 41 resulting when remote application 10 communicates with instrument 20 in a continuous refresh mode used for continuous data acquisition of measurement data. On a graticule 44, two overlapped traces of scaled measurement data are shown displayed. Alternatively, four or some other number of overlapped traces of scaled measurement data are displayed."

This description does not teach the above feature (E) wherein

"the user terminal outputs the measurement result delivered from the measuring instrument terminal (to the measuring instrument information providing server) via the network."

In the Office Action the Examiner concedes out that Ezekiel does not teach "identifying a user obtaining access to a measuring instrument information providing server from a user terminal of the user on the basis of a customer database incorporated in the measuring instrument information providing

server and specifying a predetermined measuring instrument with respect to which the user makes a request for operation" in the above feature (A) of claim 1, or "a desired measuring object to be switch-connected to the measurement instrument and properties of the desired measuring object to be measured" in the above features (B) to (D) of claim 1.

It should also be noted that Ezekiel does not disclose "operational command which contains demonstration information including measurement items and measuring conditions which are output from the user terminal in order to measure properties of a desired object to be measured" in the above features (C) to (E) of claim 1.

As indicated above, Ezekiel is not intended to provide demonstration information regarding a measuring instrument, which includes measurement items and measuring conditions which are input at the user terminal. That is, Ezekiel merely provides information such as an operation program. In addition, in Ezekiel the measuring instrument information providing server and the measuring instrument (terminal) are not separate units. Instead they are provided as a single unit. That is, Ezekiel merely teaches a server incorporated in a measuring instrument. In such a manner, unlike claim 1 of the present application,

Ezekiel does not disclose a method in which the measuring instrument terminal is connected to the network distinct from the measuring instrument information providing server.

In order to bridge the gap between Ezekiel and the present claimed invention as defined by claim 1, the Examiner cites Hesselink et al. and Sprenger et al.

The Examiner cites Hesselink et al. as teaching the above feature (A) of independent claim 1 of the present application. Specifically, the Examiner refers to col. 9, lines 21-31 of Hesselink et al. Col. 9, lines 21-31 of Hesselink recite:

the database server 120 manages the following list of information: user information, user physical process data, scheduling information, and event data.

The database server 120 manages user profiles. A user profile contains user accessed information such as log-in name and password that enables the connection server 114 to verify connection requests from the clients 118. In addition, the user profile also includes the client's progress information by tracking the status of accomplished actions/requests.

While Hesselink et al. do teach that the database server manages user information, user physical process data and user profile, there is no disclosure, teaching or suggestion in the cited portion of Hesselink et al. of "identifying a user obtaining access to a measuring instrument information providing server from a user terminal of the user on the basis of a

customer database incorporated in the measuring instrument information providing server."

The Examiner also relies upon the Abstract of Hesselink et al. as teaching "specifying a predetermined measuring instrument with respect to which the user makes a request for operation."

The Abstract of Hesselink et al. recites:

A method and system for enabling multiple users from different physical locations to access, observe, control and manipulate physical processes and devices over a computer network such as the Internet is disclosed. A user may visually monitor the physical set up and state of an experiment or environment by receiving live video and data, as well as directly control instrumentation while receiving live feedback regarding the input commands. Measurement data may be collected into a database and computational analysis can be generated and displayed as a physical process is being performed. An online interactive laboratory notebook is also provided that manages items such as collected data, laboratory parameters, "to do" lists, personal notes, etc.

The Abstract of Hesselink et al. does teach enabling users to access, observe, control and manipulate physical processes and devices over a computer network. However, the relevant portion of claim 1 is specifically directed to specifying a predetermined measuring instrument with respect to which a user makes a request. The reference does not disclose the user specifying a measuring instrument (reference numerals 62-68 being measuring instruments). Instead, the device is controlled by the user

performing specific physical processes (see Fig. 1B in the corresponding description at cols. 3-4 of Hesselink et al.).

Even if Hesselink et al. teach feature (A), the present invention could not be derived from Ezekiel and Hesselink et al., since Hesselink et al. do not disclose, teach or suggest that demonstration information regarding a measuring instrument, which includes measurement items and measuring conditions which are input at the user terminal, is provided by a server corresponding to the measuring instrument information server as recited in claim 1. Moreover, Hesselink et al. also do not disclose, teach or suggest any of the above features (B) to (E) of claim 1.

In order to bridge the gap between the present claimed invention as defined by claim 1 and Ezekiel in combination with Hesselink et al., the Examiner cites Sprenger et al. Specifically, the Examiner contends that Sprenger et al. teach "switch-connecting a desired object to be measured" in the above features (B) to (D) of claim 1. Unlike the present claimed invention, Sprenger et al. is not applied to an interactive demonstration system of a measuring instrument utilizing a network such as the Internet which is open to all users and manufacturers of measuring instruments. Instead, Sprenger et al.

is merely applied to a test system provided by a GUI which is closed and personal, and which is locally fixed.

In addition, Sprenger et al. do not disclose, teach or suggest that the measurement items and measuring conditions of the user's interest or the like in addition to the demonstration information are applied to an interactive demonstration system of a measuring instrument utilizing a network such as the Internet.

Even if Sprenger et al. teach the above feature, the present invention could not be derived from the above references and Sprenger et al., since Sprenger et al. do not disclose, teach or suggest that demonstration information regarding a measuring instrument, which includes measurement items and measuring conditions which are input at the user terminal, is provided by a server corresponding to the measuring instrument information server of claim 1. Moreover, Sprenger et al. do not disclose, teach or suggest any of the above features (A) to (E) of independent claim 1.

For the above reasons, even if any of Hesselink et al., and Sprenger et al. are combined with Ezekiel, claim 1 is still patentable.

In view of the foregoing, claim 1 is patentable over the references of record. Claims 2 and 3 are patentable for reasons,

inter alia, set forth above in connection with claim 1. Claims 4-9 are either directly or indirectly dependent on claims 2 and 3 and are patentable over the cited references in view of their dependence on claims 2 and 3.

I. CONCLUSION

Considering the purported teachings of Ezekiel, Hesselink et al. and Sprenger et al., it would not have been obvious to one of ordinary skill in the art to modify the Ezekiel invention in view of Hesselink et al. and Sprenger et al. to arrive at the present claimed invention as defined by claims 1-9.

Therefore, upon reason and authority, it is respectfully requested that the Board reverse the Final Rejection.

An early and favorable action on the appeal is earnestly solicited.

FEE

A Credit Card Authorization Form in the amount of \$500.00 is enclosed herewith in payment of the requisite fee for filing this brief in support of the Appeal.

* * * * *

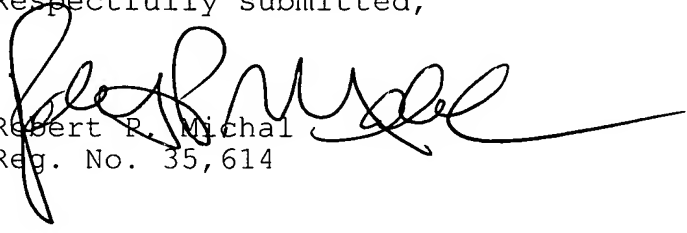
In view of the foregoing, it is respectfully submitted that the Examiner has erred in rejecting all of the appealed claims and a reversal of such claims by this honorable Board is solicited.

A copy of the appealed claims is appended herewith.

This brief is being filed herewith in triplicate.

Please charge any additional fees or credit any overpayment to Deposit Account No. 06-1738.

Respectfully submitted,


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October 5, 2005

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Encl.: Appendix of Appealed Claims
Credit Card Authorization Form in the Amount of \$500.00

CLAIMS APPENDIX

Claim 1. An interactive demonstration method for a measuring instrument using a network, comprising the steps of:

identifying a user obtaining access to a measuring instrument information providing server from a user terminal of the user on the basis of a customer database incorporated in the measuring instrument information providing server and specifying a predetermined measuring instrument with respect to which the user makes a request for operation;

in response to a request for providing demonstration information on a predetermined measuring instrument from a user terminal and a request for making operation, delivering to the user terminal via a network an operational program that contains demonstration information for measuring properties of a desired object to be measured such as a desired electronic device including at least one of electronic equipment and electronic parts thereby switch-connecting the desired object to be measured to the predetermined measuring instrument;

causing the user terminal to deliver to a predetermined measuring instrument terminal via the network an operational command that contains measurement items and measuring conditions of the user's interest which are operated and inputted at the

user terminal, in addition to the demonstration information in order to measure the properties of the desired object to be measured, thereby switch-connecting the desired object to be
25 measured to the predetermined measuring instrument based on the delivered operational program;

causing the measuring instrument terminal to control the predetermined measuring instrument connected to the measuring instrument terminal in response to the operational command that
30 contains demonstration information including measurement items and measuring conditions of the user's interest which is output from the user terminal in order to measure the properties of the desired object to be measured, thereby switch-connecting the desired object to be measured to the predetermined measuring
35 instrument, and to deliver a measurement result obtained by the measuring instrument to the user terminal via the network; and
causing the user terminal to output the measurement result delivered from the measuring instrument terminal via the network.

Claim 2. An interactive demonstration system for a measuring instrument using a network, comprising:

- a measuring instrument terminal;
- a measuring instrument information providing server; and

5 a user terminal, each of which is connected to a network,
wherein the measuring instrument information providing server
includes: storage means for storing an operational program that
contains demonstration information including measurement items
and measuring conditions of the user's interest for enabling an
10 operational screen representative of an operating portion for
operating the predetermined measuring instrument connected to the
measuring instrument terminal, and also measuring properties of a
desired object to be measured, such as a desired electronic
device including at least one of electronic equipment and
15 electronic parts, thereby switch-connecting the desired object to
be measured to the predetermined measuring instrument;

 a customer database which stores customer information on
users which have gotten access to the measuring instrument
information providing server,

20 means for identifying a user obtaining access to the
measuring instrument information providing server from the user
terminal on the basis of the customer database, and specifying a
predetermined measuring instrument with respect to which the user
makes a request for operation, and

25 program delivery means for reading out from the storage
means the operational program that contains the demonstration

information for measuring the properties of the desired object to be measured, thereby switch-connecting the desired object to be measured to the predetermined measuring instrument in response to a request for providing the demonstration information including the measurement items and the measuring conditions of the user's interest on the predetermined measuring instrument from the user terminal and a request for making operation, and then, delivering the program to the user terminal via the network;

the user terminal including:

a terminal screen and a terminal operating portion;

operation execution request delivery means for delivering the request for providing demonstration information including measurement items and measuring conditions of the user's interest on the predetermined measuring instrument and a request for making operation to the measuring instrument information providing server via the network;

program execution means for executing the operational program that contains the demonstration information including the measurement items and the measuring conditions of the user's interest for measuring the properties of the desired object to be measured, thereby switch-connecting the desired object to be measured to the predetermined measuring instrument, the

information being delivered from the measuring instrument
50 information providing server, thereby making it possible to
visualize an operation face of the measuring instrument on the
terminal screen and to operate the operation face at the terminal
operating portion;

means for selecting the desired object to be measured from
55 one or more objects connected to the predetermined measurement
instrument;

means for delivering an operational command operated and
inputted at the terminal operating portion to the measuring
instrument terminal via the network, thereby causing desired
60 measurement by the predetermined measuring instrument connected
to the measuring instrument terminal; and

means for outputting a measurement result received from the
measuring instrument terminal via the network, and

said measuring instrument terminal has means for controlling
65 the predetermined measuring instrument connected to the measuring
instrument terminal, and measuring the properties of the desired
object to be measured, thereby switch-connecting the desired
object to be measured to the predetermined measuring instrument
in response to the operational command from the user terminal and

70 delivering the measurement result obtained by the measuring
instrument to the user terminal via the network.

Claim 3. An interactive demonstration system for a
measuring instrument using a network using a network comprising:

a measuring instrument providing server;

a user terminal; and

5 a measuring instrument terminal, each of which is connected
to a network, wherein the measuring instrument information
providing server includes:

storage means for storing an operational program that
contains demonstration information including measurement items
10 and measuring conditions of the user's interest, for enabling an
operational screen representative of an operating portion for
operating a predetermined measuring instrument connected to the
measuring instrument terminal and a data display area, and also
measuring properties of a desired object to be measured, such as
15 a desired electronic device including at least one of electronic
equipment and electronic parts, thereby switch-connecting the
desired object to be measured to the predetermined measuring
instrument;

a customer database which stores customer information on
20 users which have gotten access to the measuring instrument
information providing server,

means for identifying a user obtaining access to the
measuring instrument information providing server from the user
terminal on the basis of the customer database, and specifying a
25 predetermined measuring instrument with respect to which the user
makes a request for operation; and

program delivery means for reading out from the storage
means the operational program for the predetermined measuring
instrument in response to a request for providing the
30 demonstration information including the measurement items and the
measuring conditions of the user's interest, on the predetermined
measuring instrument from the user terminal, and delivering the
program to the user terminal via the network;

the user terminal includes:

35 a terminal screen and a terminal operating portion;

operation execution request delivery means for delivering
via the network the request for providing the demonstration
information including the measurement items and measuring
conditions of the user's interest to the predetermined measuring

40 instrument to the measuring instrument information providing
server and a request for making operation;

program execution means for executing the operational
program that contains the demonstration information including the
measurement items and the measuring conditions of the user's
45 interest, for measuring the properties of the desired object to
be measured, thereby switch-connecting the desired object to be
measured to the predetermined measuring instrument, thereby
making it possible to visualize the measuring instrument on the
terminal screen and to operate the instrument at the terminal
50 operation portion;

means for selecting the desired object to be measured from
one or more objects to be measured, which are connected to the
predetermined measurement instrument;

means for delivering the operational command operated and
55 inputted at the terminal operating portion to the measuring
instrument terminal via the network, thereby causing desired
measurement by the predetermined measuring instrument connected
to the measuring instrument terminal; and

means for outputting a measurement result received from the
60 measuring instrument terminal to a data display area of the

measuring instrument information providing server via the network, and

the measuring instrument terminal has means for controlling the predetermined measuring instrument connected to the measuring instrument terminal in response to the operational command from the user terminal, measuring the properties of the desired object to be measured, thereby switch-connecting the desired object to be measured to the predetermined measuring instrument, and for delivering the measurement result obtained by the predetermined measuring instrument to the user terminal via the network.

Claim 4. An interactive demonstration system for a measuring instrument using a network according to claim 2, wherein, the measuring instrument information providing server has plural types of information on measuring instruments stored and when an operation execution request inputted from the user terminal while any measuring instrument monitoring information on the measuring instrument can be selected specifies a specific measuring instrument by providing access from the user terminal, the measuring instrument information providing server delivers to the user terminal an operational screen and an operational program that correspond to the measuring instrument, and

instructs the user terminal to be connected to the measuring instrument terminal to which the measuring instrument has been connected.

Claim 5. An interactive demonstration system for a measuring instrument using a network according to claim 3, wherein the measuring instrument information providing server has plural types of information on measuring instruments stored and
5 when an operation execution request inputted from the user terminal while any measuring instrument monitoring information on the measuring instrument can be selected specifies a specific measuring instrument by providing access from the user terminal, the measuring instrument formation providing server delivers to
10 the user terminal an operational screen and an operational program that corresponds to the measuring instrument, and instructs the user terminal to be connected to the measuring instrument terminal to which the measuring instrument has been connected.

Claim 6. An interactive demonstration system for a measuring instrument using a network according to claim 4, wherein the measuring instrument information providing server

includes a customer database regarding a user who gains access to
5 the measurement instrument information providing server, and when
an access from a terminal of the user occurs, the measuring
instrument information server identifies the user from the
database and specifies a measuring instrument specified by an
operation execution request from the terminal of the user.

Claim 7. An interactive demonstration system for a
measuring instrument using a network according to claim 5,
wherein the measuring instrument information providing server
includes a customer database regarding a user who gains access to
5 the measurement instrument information providing server, and when
an access from a terminal of the user occurs, the measuring
instrument information server identifies the user from the
database, and specifies a measuring instrument specified by an
operation execution request from the terminal of the user.

Claim 8. An interactive demonstration system for a
measuring instrument using a network, according to claim 2,
which further comprises a device or parts manufacturer server,
and wherein the device or parts manufacturer server specifies a
5 measuring instrument connected to the measuring instrument

terminal for the measuring instrument information providing
server specified by the device or parts manufacturer server
according to a test request for a device for sale by oneself
inputted from the user terminal, thereby instructing the user
10 terminal to be connected to the measuring instrument information
providing server.

Claim 9. An interactive demonstration system for a
measuring instrument using a network according to claim 8,
wherein the device or parts manufacturer server delivers charge
payment information on the measuring instruments to the measuring
5 instrument information providing server.